

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, DECEMBER 11, 2014**

PRESENT: Peter F. Murphy, Springfield District
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
James R. Hart, Commissioner At-Large
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
James T. Migliaccio, Lee District
Earl L. Flanagan, Mount Vernon District
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
Janyce N. Hedetniemi, Commissioner At-Large
Timothy J. Sargeant, Commissioner At-Large

ABSENT: None.

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The meeting was called to order at 8:19 p.m. by Chairman Peter F. Murphy in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Chairman Murphy announced that this evening would be Commissioner Hall's final meeting after serving 20 years as the Mason District Planning Commissioner.

Commissioner Hall said that she was very grateful to have been on the Planning Commission serving the citizens of Mason District. She also commended County staff for their hard work and dedication in their service to the Planning Commission and citizens.

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Chairman Murphy commended staff from the Planning Commission, the Department of Planning and Zoning, and many other departments, who have helped the Commission throughout the year.

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FSA-S03-3-3 – SPRINT, 4035 RIDGE TOP ROAD

Commissioner Hurley: I would like to present a - a "feature shown" that's involved with minor modifications to a rooftop antenna at an existing facility. I therefore MOVE THAT THE PLANNING COMMISSION CONCUR WITH STAFF'S DETERMINATION FOR APPLICATION FSA-S03-3-3 THAT THE MODIFICATIONS PROPOSED AT SPRINT, AT

4035 RIDGE TOP ROAD, ARE SUBSTANTIALLY IN ACCORD WITH THE RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN," PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All those in favor of the motion to concur with the "feature shown" determination in FSA-S03-3-3, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

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FS-V14-16 – VERIZON WIRELESS C/O NETWORK BUILDING & CONSTRUCTION, LLC,
10112 FURNACE ROAD

Commissioner Flanagan: There is a "feature shown," FS-V14-16, for - and I'm ready to act on it tonight. So, I - this "feature shown" application is listed on the application and it - it - the application asks permission to collocate 12 panel antennas on a three-point platform at the 170-foot level of an existing 196 high [*sic*] lattice tower, along with the installation of a 12-foot by 17-foot equipment shelter and standby diesel generator within an existing fenced compound. The existing tower is located at 10112 Furnace Road on land leased from the recycling site of Furnace Associates, Inc. The existing tower was originally approved in SE 95-V-025 by the Board of Supervisors on September 11, 1995. I THEREFORE CONCUR WITH STAFF'S CONCLUSION THAT THIS COLLOCATION BY VERIZON WIRELESS IS SUBSTANTIALLY IN ACCORD WITH THE RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN." THEREFORE MOVE THAT THE PLANNING COMMISSION FIND APPLICATION FS-V14-16 MEETS THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT AS SPECIFIED IN SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there a discussion of the motion? All those in favor of the motion to concur with the "feature shown" determination in FS-V14-16, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

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CSPA-B-846-02 – RSQ9 OWNER, LLC

Commissioner de la Fe: I have a deferral for a public hearing which I would - - it's for CSPA-B-846-02, in the name of RSQ9 Owner, LLC, and that public hearing will be held on January 14th, 2015 [*sic*].

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of the motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: I was checking my notes here that I received and, although on the agenda the deferral for CSPA-B-846-02 said 1/14/15, when I checked further, it really should have been 1/29/15. And therefore, Mr. Chairman, I would like to correct my motion, please, from before and MOVE THAT THE PUBLIC HEARING FOR CSPA-B-846-02 BE MOVED TO 1/29/15.

Commissioner Lawrence: Third, Mr. Chairman. It's a corrected "second."

Chairman Murphy: Seconded by Mr. Lawrence. All those in favor of the motion to amend the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

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SE 2014-LE-030 – SUSANA MARIA TRUPO, ISLAND CREEK DAY CARE (Decision Only)
(The public hearing on this application was held on December 3, 2014. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Migliaccio: I have one decision only this evening. Ms. Trupo, can you please come down to the microphone? We had a public hearing on December 3rd and we had development conditions on December 3rd. Did you have a chance to read and understand and agree to the development conditions as stated in the staff report?

Susana Trupo, Owner, Island Creek Day Care: Yes.

Commissioner Migliaccio: Thank you and, Mr. Chairman, does she need to state her name or anything?

Chairman Murphy: Yes, please identify yourself for the record with your name and address.

Ms. Trupo: Susana Maria Trupo, 7753 Effingham Square, Alexandria, Virginia, 22315.

Chairman Murphy: Thank you very much.

Commissioner Migliaccio: Okay, thank you.

Chairman Murphy: Thank you.

Commissioner Migliaccio: Thank you, Mr. Chairman. As I mentioned, we had a public hearing for a home daycare, Island Creek, on December 3rd. I just wanted to give a little time to make certain the sign was up enough for the citizens and the neighbors to see it. It has been; therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2014-LE-030, SUBJECT TO DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED DECEMBER 3RD, 2014.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-LE-030, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

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ORDER OF THE AGENDA

Secretary Hall established the following order of the agenda:

1. SE 2014-SU-059 – CHANTILLY PLAZA, LLC
2. SE 2014-SP-053 – ROLLING VALLEY MALL, LLC
3. SE 2014-MV-041 – NORTHERN VIRGINIA RADIO CONTROL CLUB
4. PA 2014-III-P1 – SILAS BURKE PROPERTY

This agenda was accepted without objection.

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SE 2014-SU-059 – CHANTILLY PLAZA, LLC – Appl. under Sect. 9-620 of the Zoning Ordinance to permit waiver of certain sign regulations. Located at 13653A Lee Jackson Memorial Hwy., Chantilly, on approx. 8.26 ac. of land zoned C-6, WS, and HC. Tax Map 44-2 ((1)) 9C. SULLY DISTRICT. PUBLIC HEARING.

Inda Stagg, Land Use Coordinator, Applicant's Agent, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated November 12, 2014.

Commissioner Hart disclosed that Hart and Horan, PC currently had two pending cases with Ms. Stagg's law firm in which there were attorneys representing adverse parties, but indicated that it would not affect his ability to participate in this case.

William Mayland, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of application SE 2014-SU-059.

Ms. Stagg noted that the shopping center was built in 1973, adding that the existing sign would be replaced with a more modern sign that would provide better visibility. The new sign would be one foot shorter and a square foot smaller, and would be surrounded by landscaping. She stated that the application received the support of the Western Fairfax County Citizens Association and Sully District Council. She pointed out that the Sully District Council had requested a condition that would also include English on the sign, to which the applicant agreed.

Commissioner Hall requested confirmation regarding the sign's dimensions and the visual impact. Ms. Stagg reiterated the size of the sign and confirmed that the visual impact would be reduced.

Chairman Murphy called for speakers from the audience, but received no response. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Litzenberger for action on this item.

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Chairman Murphy: Close the public hearing; Mr. Litzenberger, please.

Commissioner Litzenberger: Thank you, Mr. Chairman. Ms. Stagg, could you once again confirm that the applicant agrees with all the conditions, including the one on the sign?

Inda Stagg, Senior Urban Planner, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: Yes, sir, the applicant agrees with the conditions.

Commissioner Litzenberger: Mr. Chairman, I MOVE THAT PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT SE 2014-SU-059, BY CHANTILLY PLAZA, LLC BE APPROVED, SUBJECT TO THE DEVELOPMENT

CONDITIONS DATED NOVEMBER 26TH, 2014, WITH THE FOLLOWING CONDITION TO CONDITION NUMBER 6: “ SIGN LETTERING MAY INCLUDE TEXT IN LANGUAGES OTHER THAN ENGLISH; HOWEVER, IF SO, THAN THE NON-ENGLISH TEXT MUST ALSO BE TRANSLATED INTO ENGLISH (THE TRANSLATED TEXT) AND THE TRANSLATED TEXT MUST BE EQUAL TO OR GREATER IN TEXT SIZE THAN THE NON-ENGLISH TEXT TO ENSURE LEGIBILITY.”

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-SU-059, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.

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Since the following case was in the Springfield District, Vice Chairman de la Fe assumed the chair.

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SE 2014-SP-053 – ROLLING VALLEY MALL, LLC – Appl.
under Sect. 9-620 of the Zoning Ordinance to permit waiver of certain sign regulations. Located at 9276 Old Keene Mill Road, Burke, on approx. 19.43 ac. of land zoned C-6. Tax Map 88-2 ((1)) 4A. SPRINGFIELD DISTRICT. PUBLIC HEARING.

Inda Stagg, Land Use Coordinator, Applicant’s Agent, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated November 12, 2014.

Commissioner Hart disclosed that Hart and Horan, PC currently had two pending cases with Ms. Stagg’s law firm in which there were attorneys representing adverse parties, but indicated that it would not affect his ability to participate in this case.

Commissioner Murphy announced that he would defer the decision only on this application at the end of the public hearing.

Sharon Williams, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of application SE 2014-SP-053.

Ms. Stagg stated that the shopping center was undergoing a renovation and pointed out that the current sign was very difficult to see when traveling west on Old Keene Mill Road because of the change in grade from the road to the shopping center. She said that one-third of the proposed sign would consist of mosaic artwork and would complement the shopping center's proposed mosaic panels. She stated that the proposed increase in height and area would not have any deleterious effect on the neighboring properties and would help to provide adequate visibility for the shopping center.

Commissioner Murphy reiterated his intention to defer the decision on this case and noted that he wanted to review the size and location of the sign during that period.

Vice Chairman de la Fe called for speakers from the audience and recited the rules for testimony.

Don Ellison, Rolling Valley Board of Directors, 9259 Old Keene Mill Road, Suite 200, Burke, spoke in opposition to the application. He stated that the shopping center was well-known and well-attended, as evident by its full parking lot, and therefore did not need increased signage. In addition, he noted that GPS (global positioning system) technologies eliminated the need for increased signage. He further said that if the sign for the shopping center were enlarged, then there would be a need to change the sign for the Rolling Valley Professional Center and other adjacent professional properties. He stated that the area was residential and should remain so and therefore asked the Commission to recommend denial of the application.

Commissioner Murphy asked Mr. Ellison if his property was located at the end of Shiplett Boulevard, to which he responded yes.

Commissioner Lawrence questioned Mr. Ellison's characterization of the adjacent development as residential and asked him to clarify the location of those areas. Mr. Ellison described the residential areas near and surrounding the shopping and professional centers and reiterated that they were already aware of the site and did not need enhanced signage to find it.

Commissioner Hall asked Mr. Ellison why the professional center sign should be increased if the shopping center sign was increased. He said that the reasons for providing the shopping center with a larger sign should also apply to the professional center sign. Commissioner Hall did not agree, but thanked him for his testimony.

Commissioner Murphy pointed out that the professional center property that Mr. Ellison worked in was commercially zoned C-1, while the proposed property was zoned C-6.

Commissioner Hart noted that the current sign served little purpose in its current location as long as it could not be seen and asked Mr. Ellison if there might be something in particular about the proposed sign that he found objectionable. Mr. Ellison said that the sign should instead be located near the entrance of the shopping center on Old Keene Mill Road and that only the name of the mall should be listed on the sign, rather than the businesses. Commissioner Hart pointed out that legible business names on a major road could be helpful to motorists.

Commissioner Hurley pointed out that visiting a professional office typically took more time and effort, like an appointment, whereas people often simply drove to a shopping center without

planning and consequently needed to use signs to find their way. Mr. Ellison countered that drivers could use GPS technology to find the nearest stores. Commissioner Hurley disagreed, noting that many drivers chose not to use it.

Commissioner Murphy agreed with Commissioner Hurley. In addition, he pointed out that the proposal was setting up a rivalry between competitive services like McDonald's and Burger King. He also said that there was no intent to escalate the number of signs.

Commissioner Lawrence pointed out that turnover, even in stable neighborhoods, was one of the main reasons for the continued need for signs.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Stagg, who reiterated that drivers traveling west on Old Keene Mill Road could not see anything but the corner of the shopping center. She noted said that the visibility of the shopping center sign and that of the professional center sign located across the street were different and should be addressed that way. She further addressed Mr. Ellison's remarks and stated that the sign could not be located at the entrance at Old Keene Mill Road because when the road was widened, the right-of-way had been taken; therefore, the applicant no longer owned the land to locate the sign there.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Murphy for action on this case.

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Vice Chairman de la Fe: The public hearing is closed; Mr. Murphy.

Commissioner Murphy: Ms. Stagg, July 7th - - I mean, January 7th. Sorry about that. I'm thinking of the summer months. I'm thinking summer, okay.

Vice Chairman de la Fe: That will be –

Commissioner Murphy: Maybe I could retire. I'm going with Janet. Wherever she's going, I'm going.

Vice Chairman de la Fe: That will be – that will be a very long deferral.

Commissioner Murphy: January. Mr. Chairman, I want to thank Mr. Ellison for coming out. I want to thank Sharon Williams, too, our staff coordinator, who's done a great job. I want to check two things. I want to check the sign height and bulk and its location. And the one reason I'm concerned about it is I just don't want a sign to go up where there may be a blind corner and there is history on Shiplett, between Shiplett and Keene Mill Road. There have been a lot of accidents in that – on that corner in that intersection and – even with a new light system – and I just want to make sure that visibility-wise as far as traffic is concerned, it's in the right area. Rolling Valley Mall is a good neighbor. They weren't always a good neighbor and it wasn't their fault. They weren't a good neighbor when everybody left Rolling Valley Mall for someplace else

when the economy went down. And there's nothing as decrepit looking as a shopping center that has empty bays and they had a lot of them. And they have revitalized that mall. They've put in a bunch of great stores. They do have a lot of business. They do have a pretty good-sized parking lot that's filled. And they do have a right to advertise who their tenants are. Everybody does in a shopping center environment. I'm not anti-sign. I want to see what we can do with this application. I just want to look at it and check it over and maybe make it better. So therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION DEFER DECISION ONLY ON SE 2014-SP-053 TO A DATE CERTAIN OF - - are you ready? - - JANUARY 7TH – and I'll get the year right – 2015.

Commissioners Hall and Litzenberger: Second.

Vice Chairman de la Fe: Seconded by Mrs. Hall and Mr. Litzenberger. Any comments from the Commission? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: : Opposed? The motion carries.

The motion carried by a vote of 12-0.

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Chairman Murphy resumed the chair.

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SE 2014-MV-041 – NORTHERN VIRGINIA RADIO CONTROL CLUB – Appl. under Sect. 3-C04 of the Zoning Ordinance to permit a private club. Located at 9850 Furnace Road, Lorton, on approx. 47.90 ac. of land zoned R-C. Tax Map 113-1 ((1)) 14. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Robert M. Freas, Treasurer, Northern Virginia Radio-Control Club (NVRC), reaffirmed the affidavit dated October 27, 2014.

There were no disclosures by the Commissioners.

Mary Ann Tsai, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of application SE 2014-MV-041.

Commissioner Flanagan asked Ms. Tsai for clarification about the permitted fly area and the overflight zone. Ms. Tsai explained that the aircraft could not fly past the overflight area. Commissioner Flanagan referenced Appendix 6 in the staff report and noted that the Northern Virginia Regional Park Authority requested that the boundary for the proposed use be adjusted to prevent negative noise impacts. Ms. Tsai confirmed that the boundary was adjusted so that no

planes would fly over Occoquan Regional Park, south of the subject site. In addition, she confirmed that activities would be curtailed on days when performances/concerts were held at the Workhouse Arts Center amphitheater. She added that a new development condition, Number 18, had been created to ensure that the Workhouse Foundation would provide the NVRC president at least 48 hours' notice when such events would take place. When Commissioner Flanagan asked what would be used as an exhibit in Exhibit A in the Memorandum of Agreement (MOA) in Appendix 4 of the staff report, Ms. Tsai said that the special exception (SE) plat would be used. (A copy of the revised development conditions, dated December 11, 2014, is in the date file.)

Commissioner Sargeant referenced Article III, paragraph A., under Special Events, of the MOA, and asked if there was flexibility should more than 50 people arrive at an event. Ms. Tsai said that it likely would not impact the development conditions. She noted, however, that there might be some flexibility with regard to the number of guests if the number of guests exceeded 50 by more than one or two.

Commissioner Lawrence asked if there was language in the MOA regarding the maximum altitude listed for the planes. Additionally, he asked what propulsion methods would be used for the planes, from electric to jet-powered and, if there were any jets, what was their audibility and how close was the nearest residential community? Ms. Tsai deferred to the applicant for responses to his questions.

Referencing the Statement of Special Exception Justification in Appendix 2, Commissioner Hurley expressed concern about the paragraph titled *Vicinity to Be Served by the Use*, and noted that the 48 hours suggested in Development Condition Number 18 might not be enough cancellation time for visitors who would be traveling long-distance to attend an NVRC event. She suggested that the Workhouse provide more than 48 hours' notice to NVRC. Ms. Tsai agreed and said that Development Condition Number 19 was intended to address such an event in that the applicant and Workhouse representatives would coordinate special events so that neither party would have to cancel an event on short notice. Commissioner Hurley concurred but noted that both parties should have an equal say in coordinating the schedule with no one party being able to schedule something and stop another's event. Ms. Tsai agreed and said that she would review the language further.

Commissioner Migliaccio asked how it was determined that five aircraft would be allowed to fly onsite at any one time. Ms. Tsai deferred to the applicant for a response.

Commissioner Hart asked if the aircraft park at Poplar Ford Park was a by-right use. Ms. Tsai said that after speaking with Fairfax County Park Authority (FCPA) representatives, it seemed that the aircraft park was considered an accessory use to an already established park and did not go through a public hearing process. Commissioner Hart asked if there had been complaints regarding noise at Poplar Ford Park. Ms. Tsai said there were none. When he asked how long the aircraft park at Poplar Ford had existed, Ms. Tsai said approximately five years.

Mr. Freas provided a brief presentation detailing the NVRC and its activities in Virginia. He noted that it was a non-profit organization that had been in operation for 60 years, adding that its

members currently used Poplar Ford Park, which was managed by the FCPA for the last five years. He stated that the organization promoted aeronautics, focusing on opportunities within the U.S. Department of Education's STEM (science, technology, engineering, mathematics) program. Additionally, he said that NVRC provided free instruction to ensure that all pilots could fly solo in adherence to standards set by the Academy of Model Aeronautics (AMA), adding that comprehensive insurance was provided through the organization. He added that guests such as aeronautical engineers and other pilots often gave presentations to its members and the public alike. He also noted that the NVRC provided support and funding to the aviation program at Westfield High School for approximately seven years. He then introduced Joseph Szczur, a junior member with NVRC, to speak.

Joseph Szczur, junior member, NVRC, noted that he was a freshman at Chantilly High School and noted that he had initiated a STEM-related club at Rocky Run Middle School for aerospace engineering to engage students in model airplanes and engineering. In addition, he noted that he was an active member of the Chantilly Robotics Team. He noted his achievements, including national aerobatic championship awards since 2011, and said that upon graduation he intended to become either an architect or engineer.

Commissioner Hall asked Mr. Szczur whether he intended to get a license to fly commercial aircraft. He said no, adding that he was more interested in designing planes than building them. Commissioners Hurley, Flanagan, Lawrence, and Hedetniemi offered Mr. Szczur advice regarding opportunities in his chosen field. .

Chairman Murphy commended Mr. Freas and the NVRC for emphasizing the STEM program. He also commended Mr. Szczur on his testimony.

Mr. Freas continued his presentation and addressed Commissioner Sargeant's question regarding the maximum number of people onsite during special events, saying that overflow parking was provided at the existing Poplar Ford Park, where guests were shuttled to and from the site. He noted that NVRC was present at local hobby and air shows to introduce these activities to the public. He explained that the size and layout of Poplar Ford Park restricted the number of pilots to four on-site at one time. In addition, he said that the size of the aircraft was also limited by the park's size, which precluded competition. He further noted that parking was limited on the site and pointed out that NVRC had grown over the last five years. He stated that the proposed site would be ideal for all model aircraft, with the exception of jet turbine models, since there would be no paved runway. He noted that the safety zone was in conformance with the AMA standards and added that the park would be quite a distance from any inhabited areas. He also noted that the application allowed for usage in an area that would otherwise stand vacant. He stated that the proposed use would have no negative environmental impact and would allow the NVRC to grow and hold competitions. In addition, he said that the organization hoped to expand its education program with the south county schools. Addressing Commissioner Lawrence's question regarding the maximum altitude of the planes, Mr. Freas said that it was dictated by the AMA standards, adding that the pilots currently remained below 400 feet and would continue to do so at the proposed site. With regard to Commissioner Migliaccio's question on the number of planes onsite at once, Mr. Freas reiterated that the facility size dictated the number of planes allowed at one time.

Commissioner Migliaccio asked whether the site would need to be expanded in order to permit more planes on-site. Mr. Freas said yes and explained that more space not only allowed more planes, but also larger aircraft.

Commissioner Lawrence asked what the addition of jet model planes would entail. Mr. Freas said that asphalt runways would need to be added to the facility and said that the club did not anticipate adding them.

Commissioner Flanagan asked Mr. Freas if he had reviewed the proposed development conditions and asked if he was satisfied with the text. Mr. Freas said yes, with the exception of the language in Development Condition Number 18 regarding the 48 hours' notice, adding that the club's representatives would discuss events months in advance of their occurrence.

Mr. Freas also pointed out that, although the park would be open for operations until dusk, members checked in and out through the County's solid waste office, whose closing hours were either 4:00 p.m. or 6:00 p.m., depending on the day of the week; therefore, he said, club members would not be onsite after 6:00 p.m.

Commissioner Flanagan asked if the club's president had signed the Memorandum of Understanding (MOU). Joyce Doughty, Assistant Director, Fairfax County Solid Waste Management Program, Department of Public Works and Environmental Services (DPWES), said that it would not be signed until after the Board of Supervisors' public hearing, which was scheduled for January 27, 2015. Commissioner Flanagan asked if the MOU could be changed prior to its signing. Ms. Doughty said yes.

Commissioner Flanagan asked Mr. Freas if the NVRC would change the maximum number of attendees to events. Mr. Freas said no, but added that overflow parking would be provided as it was at Poplar Ford Park. Commissioner Flanagan asked staff if the MOU was flexible enough for DPWES to permit the applicant to have more than the maximum number of people at special events. Ms. Tsai said yes. Responding to questions from Commissioner Flanagan, Mr. Freas confirmed that the land use committee of the South County Federation had passed a resolution recommending approval of the application. Additionally, he noted that he had also spoken with the representative from the Workhouse Arts Center regarding the revised development conditions. When Commissioner Flanagan asked how long the MOU was for, Ms. Tsai stated that it was for five years, with a possible extension of three years, if approved by the Office of the County Attorneys and DPWES.

Commissioner Litzenberger asked if the club would rent the site to commercial entities, such as amazon.com, who would want to use the airspace for delivery drones. Mr. Freas stated that the NVRC could not permit any commercial entity to use any of its fields, as stated in its insurance policy through the AMA.

Commissioner de la Fe asked what the difference was between the aircraft that would be flown on the subject site and drones. Mr. Freas briefly explained that model aircraft, particularly the ones flown by NVRC members, are considered line-of-sight planes, whereas drones could fly

and perform other functions. He pointed out, however, that NVRC members flew its planes under the regulations of a community-based organization that, while not endorsed by the FAA, was essentially in conformance with FAA standards.

Commissioner Sargeant noted his involvement with the planning and reuse plans of the Laurel Hill site over the last 20 years and stated that the proposed use would fit well with the overall vision for the site.

Commissioner Hart asked how planes were kept within the defined space. Mr. Freas explained that markers were installed as visuals and members monitored the flights. When Commissioner Hart asked what happened when planes flew outside the space, Mr. Freas said that typical procedure was to determine whether something was wrong with the plane to ensure safety. Commissioner Hart asked if Mr. Freas if the club had received any complaints at Poplar Ford Park regarding noise affecting any nearby horses. Mr. Freas said no.

Commissioner Flanagan noted that the FCPA operated a horse stable near the proposed park and asked Ms. Tsai if anyone from the Park authority had expressed concern about this application. Ms. Tsai said no. Mr. Freas added that none of the model planes would fly over that area.

Chairman Murphy called for speakers, but received no response; therefore, he noted that a rebuttal statement was not necessary. He then called for concluding remarks from the Planning Commission.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Flanagan for action on this case.

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Chairman Murphy: Public hearing is closed. Mr. Freas, will you come down again, please, because you never reaffirmed those development conditions on the record.

Commissioner Flanagan: Do you confirm for the record the agreement to the proposed development conditions dated December 11, 2014?

Robert M. Freas, Agent, Northern Virginia Radio Control Club: I do.

Commissioner Flanagan: Thank you.

Chairman Murphy: Thank you very much. Go ahead.

Commissioner Flanagan: All right, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2014-MV-041, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED DECEMBER 11, 2014.

Commissioners: Second.

Chairman Murphy: Seconded by Mr. Sargeant, Ms. Hall, Mr. Lawrence –

Commissioner Lawrence: – with pleasure.

Chairman Murphy: – the whole Planning Commission, for the record. All those in favor of the motion to recommend to the board of supervisors that it approve SE 2014-MV-041, say aye.

Commissioners: Aye.

Chairman Murphy: A very loud “aye.” You’re in good shape. Opposed? Motion carries. Thank you very much.

Commissioner Flanagan: I have one - - one more motion.

Chairman Murphy: Okay, go ahead.

Commissioner Flanagan: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE DUSTLESS SURFACE REQUIREMENT, PURSUANT TO PARAGRAPH 11 OF SECTION 11-102 OF THE ZONING ORDINANCE, AND APPROVAL OF A WAIVER OF PARAGRAPH 1 OF SECTION 13-202 OF THE ZONING ORDINANCE FOR INTERIOR PARKING LOT LANDSCAPING.

Commissioners: Second.

Chairman Murphy: Seconded by Mr. Litzenberger, Mr. Sargeant, Ms. Hall, Mr. Lawrence, etcetera. All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

The motion carried by a vote of 12-0.

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The Commission went into recess at 9:59 p.m. and reconvened in the Board Auditorium at 10:13 p.m.

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Since the following case was in the Springfield District, Vice Chairman de la Fe assumed the chair.

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PA 2014-III-P1 – SILAS BURKE PROPERTY – To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. This Amendment concerns approx. 4.95 ac. generally located at 9617 Burke Lake Road (Tax Map Reference 78-3 ((1)) 4) in the Springfield District. The area is planned for residential use at 1-2 dwelling units per acre. The Amendment will consider an option for residential use at 2-3 dwelling units per acre or assisted living facility. Recommendations relating to the transportation network may also be modified. SPRINGFIELD DISTRICT. PUBLIC HEARING.

Mary Ann Tsai, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended adoption of PA 2014-III-P1.

Vice Chairman de la Fe called the first listed speaker and recited the rules for testimony.

Michael Ryan, 9530 Burning Branch Road, Burke, stated that he lived southwest of the property and would be most affected by the application. He said that while he would like the site to remain unchanged, he would support the application. He commended the applicant for being very accommodating and forthcoming with their planning, adding that concerns he had raised were also taken into consideration.

James Hawkins, 4905 King Solomon Drive, Annandale, said that the Silas Burke property was an asset to the community and stated that it was currently in a state of severe neglect. He added that the owners should no longer have to bear the burden of paying the taxes to maintain it and asked that the Commission find a way to maintain the historic property rather than allow the proposed residential use.

Sara Mariska, representing Wash, Colucci, Lubeley & Walsh, PC, 2200 Clarendon Boulevard, Suite 1300, Arlington, said that the subject site was attractive to Sunrise Senior Living because of its historic background, adding that the current structure would be integrated into the proposed development. In addition, she noted that the applicant had been working with Terry and Suzanne Neal, caretakers of the property, as well as the Burke Historical Society, to ensure that the home and related buildings were properly preserved and integrated into the proposed development. She added that implementation of the plan amendment included a concurrent rezoning to residential (R-3) and a special exception for the assisted living facility and said that she looked forward to working with county staff on the details of the plan.

Commissioner Ulfelder asked if the applicant was prepared to negotiate with regard to the easements. Ms. Mariska stated that discussions with County staff were ongoing, pointing out that the house and the immediate surroundings would remain. When Commissioner Ulfelder asked

who would monitor the easement, Leanna O'Donnell, PD, DPZ, said that a specific agency would be identified once the easements were finalized. Commissioner Ulfelder asked who prepared the application identifying the Burke House's eligibility for the National Register of Historic Places. Ms. O'Donnell said that a preliminary form was submitted by someone from the Virginia Department of Historic Resources. Commissioner Ulfelder pointed out that approval of the subject proposal could cause the Burke House to become ineligible for inclusion on the National Register and asked what would happen. Ms. O'Donnell explained that the county would take steps to inform the state, who would then take it off the list.

Ms. Mariska stated that the applicant was aware of and sensitive to Burke House's status on the National Register and pointed out that the language in the plan amendment, in addition to proffer language, would ensure that the Silas Burke House remained on-site and unchanged. She noted, however, that the area surrounding the house had been developed since the house was built and said that the current application, with its concurrent rezoning application, would likely ensure its maintenance better than the historic designation. Commissioner Ulfelder asked whether the house was worth preserving if it was deemed ineligible for the National Register. Ms. Mariska said that it was a landmark, adding that the community's interest demonstrated that it was.

Commissioner Hedetniemi expressed concern that the Silas Burke House could be destroyed if it were not guaranteed preservation through inclusion on the National Register of Historic Places.

Commissioner Flanagan asked if the property would be subject to review by the County's Architectural Review Board. Ms. Mariska noted that although the property had been identified as an historic site, it was not subject to review by the Architectural Review Board. When Commissioner Flanagan asked if the building might be razed, Ms. Mariska reiterated that the language in the plan amendment, in addition to proffer language, would ensure that the Silas Burke House remained on-site and unchanged. She added that the house had been very well maintained by its current owners and stated that an annual examination of the property would take place to ensure the site's proper maintenance. Commissioner Flanagan asked who would determine whether the site was in conformance with the Comprehensive Plan.

Ms. O'Donnell explained that an historic preservation planner in the Planning Division of DPZ would ensure the site's architectural compatibility. Commissioner Murphy also pointed out that the architectural review and compatibility would be part of the rezoning application review.

Commissioner Sargeant asked whether any organizations or groups had expressed interest in sponsoring or maintaining the property. Ms. O'Donnell said no. He asked if the site would become ineligible as a result of the proposed zoning. Ms. O'Donnell explained that the open space currently on the site was what made the property eligible for inclusion, adding that once the assisted living facility was built the amount of open space would be reduced and thus make the site ineligible for inclusion on the National Register. Referencing the first bullet under Recommendation Number 19 on page 6 of the staff report, Commissioner Sargeant asked how adaptive reuse would differ from preservation. Ms. O'Donnell explained that staff was looking for long-term use of the house where it would not be vacant to ensure that the house was maintained. She added that proffers could be added for maintenance if the property were used for tours. She also noted that if the amendment was approved, the applicant would be responsible for maintenance of the site.

Commissioner Hall asked if the applicant planned to use the house for open public events like teas and/or weddings. Ms. Mariska explained that since the house would be incorporated into the new development, it might be used for smaller events such as teas for the residents. She added that she had spoken with the Burke Historical Society about the possibility of holding meetings, lectures, and events at the house. She added, however, that public access would be limited.

Commissioner Hurley noted that the amendment proposed a change to the Comprehensive Plan to add a permitted use that would also preserve the existing property.

Commissioner Lawrence noted that the proposed use might be the only option available to save the Silas Burke House; however, he pointed out that it would also have a large footprint. He said that the building could be built to be architecturally compatible with the house; however, it would not be so with the surrounding area. Referencing page 5 of the staff report, he noted that there was no bus connection nearby. Ms. Mariska pointed out that Bus Route 18R was directly in front of the property and within walking distance from the house. Commissioner Lawrence suggested that complete photographic documentation be done of the current house and the surrounding land prior to any changes, particularly to the interior, and then submitted to the Virginia Room of the Fairfax County Public Library.

Commissioner Hart expressed concern that this plan amendment, like others before it, might fail with regard to the proposal to preserve the Silas Burke House and asked how the County would ensure that the existing use would be saved after the approval of the new use. Ms. Tsai explained that County staff used past experience to inform the current proposal, adding that this amendment would utilize conditions for the future development of the existing site through easements which did not currently exist. In addition, she noted that staff was working with the applicant to specifically address Commissioner Hart's concern in a proffer that would provide an annual inspection by the County's Department of Code Compliance to document issues and schedule maintenance. Commissioner Hart suggested that language be added requiring funding for that maintenance to ensure the preservation of the Burke House.

Commissioner Sargeant asked if the owners could tear down the house. Ms. Tsai said there was nothing to prevent them from doing so.

Commissioner Ulfelder suggested that the owners negotiate an easement to set out the parameters for the protection of the house and prevention of it being torn down. He also suggested that the purchaser of the house take the plans to the Architectural Review Board to look at the new facility in relation to the house.

Commissioner Hedetniemi suggested that an assessment of the house's foundation be performed to determine its overall stability.

Frank Maguire, 7003 Veering Lane, Burke, noted his background as a professional engineer with a background in architecture. He concurred with new recommendations provided in the staff report. He noted his disagreement with claims that the Burke House was Victorian in its architecture and should be renovated in the same style. He stated that the architecture of the house was Federalist and that it should remain unchanged.

Commissioner de la Fe noted that the plan said nothing specific regarding the architecture.

Commissioner Flanagan referenced the first bullet under Recommendation Number 19 on page 6 of the staff report and asked Mr. Maguire if he was familiar with The Secretary of the Interior's Standards for the Treatment of Historic Properties. Mr. Maguire said he was not.

Commissioner Sargeant noted that one of the recommendations was for the new facility to be compatible or similar to the Burke House, but pointed out that the Architectural Review Board typically did not want new buildings to be so compatible that they almost mimicked the historic structure; rather, they wanted the historic structure to be distinct so as to add to its significance. Mr. Maguire agreed, but stated that he did not want the house that was going to be renovated to look Victorian. Commissioner Murphy stated that the house would neither be redesigned nor destroyed.

Thomas Lorenz, 9525 Burning Branch Road, Burke, expressed concern about the traffic and said that a more comprehensive traffic study needed to be done before the application was approved.

Vice Chairman de la Fe said that a study had not yet been completed.

Commissioner Murphy asked what The Secretary of the Interior's Standards for the Treatment of Historic Properties stated. Ms. Tsai referenced the third paragraph of page four in the staff report, which stated that it "provides concepts on maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations." She added that staff had discussed this with the applicant as well as the Zoning Administrator and said that the applicant agreed to adhere to the standards.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Murphy for action on this case.

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Vice Chairman de la Fe: I will close the public hearing.

Commissioner Murphy: Thank you very much. Thank you, Mr. Chairman. Mr. Hart said this is a very difficult situation and I think this is the classic between-a-rock-and-a-hard-place situation. Mr. Ulfelder is obviously more familiar with historic preservation than I am, and the National Register means a lot to a lot of people; but quite frankly, this land use is local. And all I know is the people in Burke, whether they are for or against the senior citizens home, do not want to destroy this house. That's fact number one. Fact number two is the current owners, of which the wife is a descendant of Silas Burke, cannot afford to maintain or pay the taxes on this house anymore. They have done it for many years. And the house - - I don't know. I'm not an engineer. I'm not an architect. I have been there for events that the Burke Historic Foundation has put on. You don't fall through the floor. It's well maintained inside. It's very attractive. It may need some rehab. That's going to be something the applicant of the rezoning will have to do. And I actually got confused as to whether we were actually doing Plan amendment or a rezoning. Mr.

Lorenz, I respect your opinions and, sir, you have a very valid point, but those are issues that would be decided if the Board of Supervisors approves this plan and it went into a rezoning phase. But we want to save this house and the alternatives are very limited. I don't know much about vistas. All I know is we have a Fairfax County History Overlay District at Saint Mary's Chapel which overlooks a C-8 shopping center. Years ago we took Lake Anne in Reston and made it an historic overlay district because, again, the people wanted that. And there is a lot of history at Saint Mary's and there's a lot of history now at – at Lake Anne. So one size does not fit all. One size does not fit all. But if the object of this public hearing is to do something with land use that's acceptable to the Board of Supervisors and the Planning Commission to preserve this great house in Burke for the people of Burke, who want to keep it in Burke and well-maintained, we have to find an alternative. And I do believe we have to look and police up this language a little bit and I think we have an opportunity to do that because the Board of Supervisors' meeting is not until, I believe, the 27th of – of June. So I want to take a look at the language –

Commissioners Hart and Hall: January.

Commissioner Murphy: January. I said July before - - I've got these J months on. But I don't want to make a comment on the petition that was sent out. And I know how petitions work, and it was so misleading that people were calling me and those who I know were asking me, "are you going to destroy the Burke House," because it says please do not allow the destruction/development of Silas Burke House and property by Sunrise Development. There is nothing in this plan and a rezoning that's going to destroy the Burke House - the Silas Burke House. You can take that off the table. So, Mr. Chairman, having said that, I will MOVE THAT THE PLANNING COMMISSION DEFER DECISION ONLY ON OUT-OF-TURN PLAN AMENDMENT, PA-2014-III-P1, TO A DATE CERTAIN OF – January, Okay – JANUARY 15TH, WITH THE RECORD REMAINING OPEN FOR COMMENT.

Commissioner Lawrence: Second.

Commissioner Murphy: And I thank you.

Commissioner Lawrence: Second.

Vice Chairman de la Fe: Seconded by Commissioner Lawrence. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? Motion carries.

The motion carried by a vote of 12-0.

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Chairman Murphy resumed the chair and adjourned the meeting.

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The meeting was adjourned at 11:22 p.m.
Peter F. Murphy, Chairman
Janet R. Hall, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office,
12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jeanette Nord

Approved on: July 22, 2015



John W. Cooper, Clerk to the
Fairfax County Planning Commission